

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 174

Introduced by Assembly Member Monning

January 24, 2011

An act to ~~amend Section 130275 of~~ *add Section 130280.5 to the Health and Safety Code*, relating to health information.

LEGISLATIVE COUNSEL'S DIGEST

AB 174, as amended, Monning. Health information exchange.

Existing law establishes the Office of Health Information Integrity within the California Health and Human Services Agency to ensure the enforcement of state law mandating confidentiality of medical information and to impose administrative fines for the unauthorized use of medical information. Existing law authorizes the office to establish and administer demonstration projects to evaluate potential solutions to facilitate health information exchange that promote quality of care, respect the privacy and security of personal health information, and enhance the trust of the stakeholders. ~~Existing law provides that it is the intent of the Legislature that these demonstration projects identify barriers to implementing health information exchanges, test potential security and privacy policies for the safe and secure exchange of health information, and identify and address differences between state and federal laws regarding privacy of health information.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

This bill would require the system of electronic health records developed based on the demonstration projects established pursuant to these provisions to be implemented with the full participation of

health consumers and organizations concerned with protecting the privacy and security of patient information in the development of policies, and would require the office to ensure that there are opportunities for public comment and input on the development of those policies.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 130280.5 is added to the Health and
2 Safety Code, to read:

3 130280.5. (a) The Legislature finds and declares all of the
4 following:

5 (1) The primary purpose of the implementation of electronic
6 health records is to ensure that the system is designed to enhance
7 patient treatment and outcomes.

8 (2) Patient trust is essential to patient acceptance of a system
9 of electronic health records, and thus establishing patient trust is
10 necessary in order for the system to enhance patient treatment and
11 outcomes.

12 (3) Protection of patient privacy and security, which is
13 epitomized by doctor-patient confidentiality, is essential in building
14 patient trust.

15 (b) The system of electronic health records developed based on
16 the demonstration projects established pursuant to this division
17 shall be implemented with the full participation of health
18 consumers and organizations concerned with protecting the privacy
19 and security of patient information in the development of policies,
20 and the office shall ensure that there are opportunities for public
21 comment and input on the development of those policies.

22 ~~SECTION 1. Section 130275 of the Health and Safety Code~~
23 ~~is amended to read:~~

24 ~~130275. The Legislature finds and declares all of the following:~~

25 ~~(a) There is a need to enhance California's ability to obtain and~~
26 ~~use federal funding, as awarded in the State Cooperative Grant~~
27 ~~Agreement for health information exchange, for the establishment~~
28 ~~of statewide health information exchange infrastructure in~~
29 ~~California. The California Health and Human Services Agency is~~

1 authorized by the Legislature, pursuant to Section 130255, to use
2 those federal funds to achieve that purpose.

3 (b) ~~Health information exchange has the potential to significantly~~
4 ~~improve the quality of treatment and care, reduce unnecessary~~
5 ~~health care costs, and increase administrative efficiencies within~~
6 ~~the health care system. The application of health information~~
7 ~~exchange technology to manage health information will also have~~
8 ~~a significant impact on consumers, health care facilities, and~~
9 ~~licensed health care providers.~~

10 (c) ~~Current laws may not adequately protect privacy, or may~~
11 ~~impose obstacles to the exchange of vital health information, as~~
12 ~~required by the State Cooperative Grant Agreement for health~~
13 ~~information exchange and other federal health information funding~~
14 ~~programs.~~

15 (d) ~~It is the intent of the Legislature to authorize the Office of~~
16 ~~Health Information Integrity within the California Health and~~
17 ~~Human Services Agency to establish and administer demonstration~~
18 ~~projects funded by federal grants and other sources. It is the intent~~
19 ~~of the Legislature that the demonstration projects do all of the~~
20 ~~following:~~

21 (1) ~~Identify barriers to implementing health information~~
22 ~~exchanges.~~

23 (2) ~~Test potential security and privacy policies for the safe and~~
24 ~~secure exchange of health information, including, but not limited~~
25 ~~to, issues related to access to, and storage of, individual health~~
26 ~~information.~~

27 (3) ~~Identify and address differences between state and federal~~
28 ~~laws regarding privacy of health information.~~